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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

2440

THE INLAND STEAM-VESSELS ACT, 1884,

AS MODIFIED UP TO THE 1ST JULY, 1891.

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TATEMENT OF REPEALS AND AMENDMENTS.

Repealed in part and amended	III of 1890 XII of 1891.
Amended	XIII of 1891.

The following changes have been made in reprinting the Act:—

(1) repealed matter has been omitted, explanatory notes being inserted

(2) amendments have been inserted in their proper places, with explanatory footnotes:

(3) references to repealed Acts have been altered as directed by the enactment which effects the repeal, explanatory footnotes being inserted:

(4) some further footnotes have been inserted for convenience of reference.

(5) section-numbers occurring in the text have been printed in figures, instead of in words.

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ACT No. VI OF 1884 [*]

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Acts VI of 1884 and III of 1890 respectively received the assent of the Governor General on the 29th February, 1884, and the 21st February, 1890, and Acts XII and XIII of 1891 on the 21st of March, 1891.)

An Act to amend the law relating to the Survey, and the Examination and Grant of Certificates to Engineers, of Inland Steam-vessels, and to provide for certain other matters relating to those vessels.

[As modified up to the 1st July, 1891.]

WHEREAS it is expedient to amend the law relating to the survey of inland steam-vessels and the examination and grant of certificates to engineers of those vessels;

And whereas it is also expedient to provide for the grant of certificates to the masters of inland steam-vessels, and for investigations into casualties affecting, and into charges against masters and engineers of, those vessels, and for the protection of passengers and goods carried thereon from danger by fire, and for the regulation of the carriage of passengers therein;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Inland Steam-vessels Act, 1884.

(*2*) It

[*] Act VI of 1884 has been extended, under s. 5 of the Scheduled Districts Act, 1874, to Upper Burma (except the Shan States)—see Burma Gazette, 1888, Pt. I, p 511, and Gazette of India, 1883, Pt I, p 524.

(*2*) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort St. George in Council.

(*3*) But the Governor of Fort St. George in Council may, at any time, by notification in the local official Gazette, extend this Act or any part thereof to the whole or any part of the territories under his administration.

Commencement.

2. (*1*) This Act shall come into force in the whole of British India, except the territories administered by the Governor of Fort St. George in Council, on such day[a] as the Governor General in Council, by notification in the Gazette of India, directs.

(*2*) If the Governor of Fort St. George in Council extends this Act or any part thereof to the whole or any part of the territories under his administration, the Act or part so extended shall come into force in the local area to which it is so extended on such day as the Governor in Council, by the notification extending the Act or part, directs:

(*3*) Provided that any notification, rule or appointment may be made under this Act at any time after the passing thereof, but, except in the case of a notification under section 69, sub-section (*2*), shall not take effect until the Act or part thereof, under which the notification, rule or appointment is made, comes into force.

Repeal of enactments.

3. (*1*) On and from the day on which this Act comes into force, elsewhere than in the territories administered by the Governor of Fort St. George in Council, the Acts mentioned in the first column of the first schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof.

(*2*) But all [b] investigations held, and certificates granted,

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[a] Act VI of 1884 came into force in the whole of British India, except the territories administered by the Governor of Fort St. George in Council, on and from the 1st December, 1885—see Gazette of India, 1885, Part I, p. 577.

[b] Words repealed by Act XII of 1891 are omitted.

granted, cancelled or suspended under any of the said Acts shall be deemed to have been respectively [a] held, granted, cancelled or suspended under this Act or under the Indian Steam-ships Act, 1884, [b] as the case may be.

VII of 1884.

(*3*) For the purposes of the last foregoing sub-section, a certificate granted to the commander of an inland steam-vessel under Bengal Act VII of 1879 [c] (*to provide for the proper management of certain inland steam-vessels*) shall be deemed to be a first-class master's certificate granted under this Act; and an engineer's certificate, whether of competency or service, granted under any other of the Acts repealed by this Act shall be deemed to be an engineer's certificate granted under this Act or a first-class engineer's certificate granted under the Indian Steam-ships Act, 1884, [b] as the case may be.

VII of 1884.

Reference to repealed Acts in other Acts, Regulations and Notifications.

4. When in any Act, Regulation or Notification passed or issued before this Act comes into force, reference is made to any Act repealed by this Act, the reference shall, so far as may be practicable, be read as applying to this Act or the Indian Steam-ships Act, 1884, [b] or the corresponding part of this Act or that Act, as the case may be.

VII of 1884.

Definitions.

5. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "vessel" includes anything made for the conveyance by water of human beings or of property:

(*2*) "steam-vessel" means every description of vessel propelled wholly or in part by the agency of steam:

[d](*3*) "inland water" [e] means any canal, river, lake or navigable water in British India:

(*4*) "inland

[a] The word repealed by Act XII of 1891 is omitted.

[b] For Act VII of 1884 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

[c] Bengal Act VII of 1879 is repealed by this Act.

[d] This clause was substituted for the original cl. (*3*) by Act III of 1890, s. 1.

[e] For power to define how much of any tidal water shall be deemed to be an "inland water," see s. 65, *infra*.

(*4*) "inland steam-vessel" means a steam-vessel which ordinarily plies on inland water:

(*5*) "voyage" includes also the plying of a vessel at or about any place:

(*6*) "master" means any person (except a pilot or harbour-master) having for the time being the charge or control of a vessel:

(*7*) "passenger" includes any person carried in a steam-vessel other than the master and crew and the owner, his family and servants: and

(*8*) "prescribed" means prescribed by a rule made by the Local Government under this Act.

CHAPTER II.[a]

SURVEY OF INLAND STEAM-VESSELS.

Inland steam-vessel not to proceed on voyage without a certificate of survey.

6. (*1*) An inland steam-vessel shall not proceed on any voyage unless she has a certificate of survey under this Act in force and applicable to the voyage on which she is about to proceed or the service on which she is about to be employed.

(*2*) Nothing in this section shall apply to any steam-vessel[b] proceeding on a voyage during the interval between the time at which her certificate under this Act expires and the time at which it is first practicable to have the certificate renewed.

Appointment of surveyors and places of survey.

7. (*1*) The Local Government may, from time to time, appoint so many persons as it thinks fit to be surveyors for the purposes of this Act at such places within the territories under its administration as it, from time to time, appoints to be places of survey.

(*2*) Every surveyor appointed under this Act may be suspended or removed by the Local Government which appointed him.

(*3*) Every

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[a] For power to exempt vessels from Chapter II, or to modify that Chapter, see s. 64, *infra*.

[b] As to the exemption of Government vessels, see s. 67, *infra*.

(*3*) Every surveyor appointed under this Act shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code.[a]

XLV of 1860.

Powers of surveyors.

8. (*1*) For the purposes of a survey under this Act, any surveyor appointed under this Act may, at any reasonable time, go on board any inland steam-vessel, and may inspect the steam-vessel and every part thereof, and the machinery, equipments or articles on board thereof :

Provided that he does not unnecessarily hinder the loading or unloading of the steam-vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(*2*) The owner, master and officers of the steam-vessel shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-vessel, and her machinery and equipments, or any part thereof, respectively, as he reasonably requires.

Fees in respect of surveys.

[b]**8A.** Before a survey under this Act is commenced, the owner or master of the steam-vessel to be surveyed shall pay to such officer as the Local Government, from time to time, appoints in this behalf—

(*a*) a fee calculated on the tonnage of the steam-vessel according to the rates in the second schedule hereto annexed, or according to any other prescribed rates ; and,

(*b*) when the survey is to be made in any place of survey other than Calcutta, Madras, Bombay or Rangoon, such additional fee in respect of the expense (if any) of the journey of the surveyor to the place as the Local

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] S. 8A was inserted by Act III of 1890, s. 2.

Local Government, from time to time, by notification in the official Gazette, directs.

Declaration of surveyor.

9. When a survey under this Act is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam-vessel surveyed a declaration in the prescribed form containing the following particulars, namely:—

(*a*) that the hull and machinery of the steam-vessel are sufficient for the service intended and in good condition;

(*b*) that the equipments of the steam-vessel and the certificates of the master and engineer or engine-driver are such and in such condition as are required by any law for the time being in force and applicable to the steam-vessel;

(*c*) the time (if less than one year) for which the hull, machinery and equipments of the steam-vessel will be sufficient;

(*d*) the limit (if any) beyond which, as regards the hull, machinery or equipments, the steam-vessel is in the surveyor's judgment not fit to ply;

(*e*) the number of passengers (if any) which the steam-vessel is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins; the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances as the case requires; and

(*f*) any other prescribed particulars.

Sending of declaration

10. (*1*) The owner or master to whom a declaration

tion is given under the last foregoing section shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government, from time to time, appoints in this behalf.

by owner or master to Local Government.

(*2*) If he fails to do so, he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

(*3*) The owner or master shall pay the sum so forfeited on the delivery of the certificate of survey.[a]

Grant of certificate of survey by Local Government.

11. (*1*) Upon receipt of a declaration by the officer appointed in this behalf under the last foregoing section, the Local Government shall, if satisfied that the provisions of this Act have been complied with, cause a certificate in duplicate to be prepared and delivered, through such officer at the place at which the steam-vessel was surveyed as the Local Government, from time to time, appoints in this behalf, to the owner or master of the steam-vessel surveyed, on his applying and paying the[b] sums (if any) in this Act mentioned as payable on delivery of a certificate.

(*2*) A certificate granted under this section shall be in such form as the Governor General in Council, from time to time, directs; shall contain a statement to the effect that the provisions of this Act with respect to the survey of the steam-vessel and the transmission of the declaration in respect thereof have been complied with; and shall set forth—

(*a*) the particulars concerning the steam-vessel which clauses (*c*), (*d*) and (*e*) of section 9 require the declaration by the surveyor to contain, and

(*b*) any other prescribed particulars.

(*3*) When

[a] Words repealed by Act III of 1890, s. 3, are omitted.
[b] Words repealed by Act III of 1890, s. 4 (*1*), are omitted.

(*3*) When a certificate is ready for delivery under this section, the Local Government shall cause notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates.

[*](*4*) The Local Government may, from time to time, delegate,—

(*a*) with the previous sanction of the Governor General in Council, to any person, by name or as holding an office, the function, assigned to the Local Government by sub-section (*1*), of granting a certificate of survey under that sub-section;

(*b*) of its own authority, to any person, by name or as holding an office, the function, assigned to the Local Government by sub-section (*3*), of causing notice to be given of a certificate of survey being ready for delivery.

Provided, with respect to clause (*a*) of this sub-section, that no delegation of the function mentioned in that clause shall be construed to authorise the grant of a certificate of survey by the surveyor who gave the declaration of survey under section 9.

12. [*Fees for certificates of survey.*] *Repealed by Act III of 1890, s 5.*

Certificate of survey to be affixed in conspicuous part of steam-vessel.

13. The owner or master of every steam-vessel for which a certificate of survey has been granted under this Act shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed, and kept affixed so long as it remains in force and the steam-vessel is in use, on some conspicuous part of the steam-vessel where it may be easily read by all persons on board thereof.

14. A

[*] Sub-s (*4*) was added by Act III of 1890, s 4 (*2*)

Term of certificates of survey.

14. A certificate of survey granted under this Act shall not be in force—

(*a*) after the expiration of one year from the date thereof; or

(*b*) after the expiration of the period, if less than one year, for which the hull, boilers, engines or any of the equipments have been stated in the certificate to be sufficient; or

(*c*) after notice has been given by the Local Government, to the owner or master of the steam-vessel to which the certificate relates, that the Local Government has cancelled or suspended it.

Cancellation or suspension of certificate of survey by Local Government.

15. Any certificate of survey granted under this Act may be cancelled or suspended by a Local Government if it has reason to believe—

(*a*) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or any of the equipments of the steam-vessel has been fraudulently or erroneously made; or

(*b*) that the certificate has otherwise been granted upon false or erroneous information; or

(*c*) that, since the making of the declaration, the hull, boilers, engines or any of the equipments of the steam-vessel have sustained any injury, or have otherwise become insufficient.

Power to require delivery of expired or cancelled certificate.

16. The Local Government may require any certificate of survey which has expired or has been cancelled or suspended to be delivered up to such person as it, from time to time, directs.

Report of cancellation or suspension of certain certificates.

17. If the Local Government which cancels or suspends a certificate of survey granted under this Act is not the Local Government which [a]or whose delegate[a] granted the certificate, the Local Government

[a a] These words were inserted by Act III of 1890, s. 6.

ment cancelling or suspending the certificate shall report the fact of cancellation or suspension, together with the reasons therefor, to the Local Government which [a]or whose delegate[a] granted the certificate.

Power for Local Government to direct that two surveyors be employed.

18. A survey under this Act shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order in writing, so directs, either generally in the case of all steam-vessels at any place of survey, or specially in the case of any particular steam-vessel or class of steam-vessels at any such place.

Power for Local Government to order a second survey.

19. (*1*) If the surveyor or surveyors making a survey under this Act refuses or refuse to give a declaration under section 9 with regard to any steam-vessel, or gives or give a declaration with which the owner or master of the steam-vessel surveyed is dissatisfied, the Local Government may, on the application of the owner or master [b]and the payment by him of such fee, not exceeding twice the amount of the fee for the previous survey, as the Local Government may require,[b] direct two other surveyors appointed under this Act to survey the steam-vessel.

(*2*) The surveyors so directed shall forthwith survey the steam-vessel, and may, after the survey, either refuse to give a declaration or give such declaration as under the circumstances seems to them proper ; and their decision shall be final.

Division of duties when two surveyors employed.

20. When a survey is made under either of the last two foregoing sections by two surveyors, each of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Act or the rules made under this Act to a surveyor making a survey.

Power for Local Government to make rules as to surveys.

21. (*1*) The Local Government may make rules to regulate the making of surveys under this Act.

(*2*) Rules

[a-a, b-b] These words were inserted by Act III of 1890, ss. 6 and 7, respectively.

(*Chapter III.—Masters (including Serangs) and Engineers (including Engine-drivers) of Inland Steam-vessels.—Section 22.*)

(*2*) Rules under this section may, among other matters,—

(*a*) declare the times and places at which, and the manner in which, surveys are to be made;

(*b*) regulate the duties of the surveyor making a survey, and, where two surveyors are employed, assign the respective duties of each of the surveyors employed;

(*c*) declare the form in which the declarations of surveyors and certificates of survey granted under this Act are to be framed, and the nature of the particulars which are to be stated therein, respectively;

(*d*) fix the rates according to which the fees payable [a] in respect of surveys [a] are to be calculated in the case of all or any of the places of survey within the territories under its administration; and

(*e*) define the cases in, and the extent to, which under ordinary circumstances a survey may be dispensed with before the grant of a new certificate.

CHAPTER III.[b]

MASTERS (INCLUDING SERANGS) AND ENGINEERS (INCLUDING ENGINE-DRIVERS) OF INLAND STEAM-VESSELS.

Appointment of examiners.

22. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as masters or serangs, or as engineers or engine-drivers, of inland steam-vessels.

23. (*1*) The

[a-a] These words were substituted for the original words by Act III of 1890, s. 8.

[b] This Chapter was substituted for the original Chap. III by Act XIII of 1891, s. 1. For power to exempt vessels from Chap. III, or to modify the Chapter, see s. 64, *infra*.

(*Chapter III.—Masters (including Serangs) and Engineers (including Engine-drivers) of Inland Steam-vessels.—Sections 23-26.*)

Grant of masters' and serangs' certificates of competency.

23. (*1*) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class master, second-class master or serang, as the case may be, of an inland steam-vessel.

(*2*) Every certificate granted under this section shall be in the prescribed form.

Grant of engineers' and engine-drivers' certificates of competency.

24. (*1*) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as an engineer, first-class engine driver or second-class engine-driver, as the case may be, of an inland steam-vessel.

(*2*) Every certificate granted under this section shall be in the prescribed form.

Power for Local Government to require re-examination or further enquiry.

25. Before granting a certificate under either of the two last foregoing sections, the Local Government may, if it has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

Grant of certificates of service.

25A. (*1*) The Local Government may in its discretion grant without examination to any person who has served as a master, or as an engineer, of an inland steam-vessel before the first day of April, 1890, a certificate of service to the effect that he may act as a first-class master, second-class master or serang, or as an engineer, first-class engine-driver or second-class engine-driver, as the case may be, of an inland steam-vessel.

(*2*) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

Certificates to be made in duplicate.

26. Every certificate of competency or service granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to

to the certificate, and the other shall be kept and recorded in the prescribed manner.

Copy of certificate to be granted in certain cases.

27. Whenever a master or serang, or an engineer or engine driver, proves, to the satisfaction of the Local Government which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which by the record kept as provided by law he appears to be entitled shall be granted to him, and shall have all the effect of the original.

Nature of certificates necessary in case of different steam-vessels.

28. (*1*) An inland steam-vessel having engines of eighty nominal horse-power or upwards shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a first-class master's certificate granted under this Act or a master's certificate granted under Act I of 1859,[a] (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, and

17 & 18 Vict., c. 104, &c.

32 & 33 Vict., c. 11.

(*b*) as her engineer a person possessing an engineer's certificate granted under this Act or the Indian Steam-ships Act, 1884, [b] or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

VII of 1884.

(*2*) An inland steam-vessel having engines of thirty nominal horse-power or upwards but of less than eighty nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a second-class master's certificate granted under this Act

[a] Printed, General Acts, 1834-66, Ed. 1887, p. 156.

[b] For Act VII of 1884 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

(*Chapter III.—Masters (including Serangs) and Engineers (including Engine-drivers) of Inland Steam-vessels.—Section 28.*)

Act or a certificate of the higher grade of the nature referred to in clause (*a*) of sub-section (*1*), and

(*b*) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884,[a] or a certificate of the higher grade of the nature referred to in clause (*b*) of sub-section (*1*): VII of 1884.

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a second-class master's certificate and a first-class engine-driver's certificate granted under this Act, or in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's certificate of the higher grade of the nature referred to in sub-section (*1*).

(*3*) An inland steam-vessel having engines of less than thirty nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a serang's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (*a*) of sub-section (*1*) or sub-section (*2*), and

(*b*) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (*b*) of sub-section (*1*) or sub-section (*2*): VII of 1884.

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master

[a] For Act VII of 1884 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

master and engineer a person possessing both a serang's certificate and a second-class engine-driver's certificate granted under this Act, or, in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's or engine-driver's certificate of the higher grade of the nature referred to in sub-section (*1*) or sub-section (*2*).

(*4*) Notwithstanding anything in sub-section (*1*), sub-section (*2*) or sub-section (*3*), the Local Government may, by general or special order, direct that a person possesssing a master's certificate granted under Act I of 1859[a] (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, or possessing an engineer's certificate granted under the Indian Steamships Act, 1884, [b] or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses, in the case of a master, such a master's or serang's certificate granted under this Act as qualifies him under this section to act as master of the vessel, or, in the case of an engineer, such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this section to act as engineer of the vessel:

17 & 18 Vict., c. 104, &c

32 & 33 Vict., c 11.

VII of 1884

"Provided that, for the purposes of this sub section, the Local Government may, in its discretion, grant without examination a master's or serang's, or an engineer's or engine-driver's, certificate of competency under this Act, and that a certificate of competency so granted without examination shall have the same effect as a certificate of competency granted under this Act after examination.

29. (*1*) The

[a] Printed, General Acts, 1834-66, Ed. 1887, p 156.

[b] For Act VII of 1884 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

(*Chapter III.—Masters (including Serangs) and Engineers (including Engine-drivers) of Inland Steam-vessels.—Section 29. Chapter IV.—Investigations into Casualties.—Section 30.*)

Power for Local Government to make rules as to grant of certificates of competency and certificates of service.

29. (*1*) The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

(*a*) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters or serangs, or as engineers or engine-drivers, under this Act;

(*b*) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class masters' certificates, second-class masters' certificates, serangs' certificates, engineers' certificates, first-class engine-drivers' certificates and second-class engine-drivers' certificates, respectively;

(*c*) fix the fees to be paid by all applicants for examination; and

(*d*) prescribe the form in which certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

(*2*) The Local Government may also make rules with respect to the grant of certificates of service under this Act, and may by such rules—

(*a*) fix the fees to be paid for such certificates, and

(*b*) prescribe the form in which such certificates are to be framed and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

CHAPTER IV.

INVESTIGATIONS INTO CASUALTIES.

Report of casualties to be made to Local Government.

30. (*1*) Whenever—

(*a*) any inland steam-vessel has been wrecked, abandoned or materially damaged, or,

(*b*) by

(*b*) by reason of any casualty happening to or on board of any inland steam-vessel, loss of life has ensued, or

(*c*) any inland steam-vessel has caused loss or material damage to any other vessel,

the master of the steam-vessel shall forthwith give notice of the wreck, abandonment, damage, casualty or loss to the officer in charge of the nearest police-station.

Power for Local Government to appoint special Court of Investigation.

31. (*1*) If in any case a formal investigation into the facts referred to in the last foregoing section appears to the Local Government to be requisite or expedient, the Local Government may appoint a special Court, consisting of not less than two nor more than four persons, and direct the Court to make the investigation, and may fix the place for making the same.

(*2*) One of the members of the Court shall be a Magistrate; another shall be some person conversant with maritime affairs or the navigation of inland steam-vessels; and the other or others (if any) shall be conversant with either maritime or mercantile affairs or with the navigation of inland steam-vessels.

Power for principal Court of ordinary criminal jurisdiction to hold investigations into casualties when so directed.

32. Any principal Court of ordinary criminal jurisdiction and the Court of any District Magistrate may, when so directed by the Local Government, make the investigation referred to in the last foregoing section.

Power for Court of Investigation to inquire into charges against masters, engineers and engine-drivers.

33. (*1*) Any Court making an investigation under either of the last two foregoing sections may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty or loss referred to in section 30.

(*2*) In

(*2*) In every case in which any such charge, whether of incompetency or misconduct, or of a wrongful act or default as aforesaid, arises against any master, engineer or engine-driver in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or statement of the case upon which the investigation has been directed.

Power for Local Government to direct investigation into charges of incompetency or misconduct.

34. (*1*) If the Local Government has reason to believe that there are grounds for charging any master, engineer or engine-driver of an inland steam-vessel with incompetency or misconduct, otherwise than in the course of an investigation under section 31 or section 32, it may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(*2*) Before commencing the investigation the Court shall cause the master or engineer or engine-driver so charged to be furnished with a copy of the statement sent by the Local Government.

Person accused to be heard.

35. For the purpose of an investigation under this Chapter into any charge against a master, engineer or engine-driver the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

Assessors.

36. (*1*) When any investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, the Court making the investigation shall constitute as its assessors, for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of inland steam-vessels ; and in every other investigation the Court making it may, if it thinks fit, constitute as its assessor, for the purposes of the investigation,

tion, any person conversant with maritime affairs or the navigation of inland steam-vessels and willing to act as assessor.

(*2*) Every person appointed under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings. But the exercise of all powers conferred on the Court by this Act shall rest with the Court.

Powers of Court as to evidence and regulation of proceedings.

37. For the purpose of any investigation under this Chapter, the Court making the investigation, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have—

(*a*) if the Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made;

(*b*) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as are exercisable respectively by either Court in the exercise of its criminal jurisdiction.

Power to arrest witnesses and cause entry and detention of vessels.

38. (*1*) If any Court making an investigation under this Chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting the arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

(*2*) Any officer so authorized may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public

servant

servant within the meaning of the Indian Penal Code.[a] XLV of 1860.

(*3*) No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial and bind over witnesses.

39. (*1*) Whenever in the course of any investigation it appears that any person has committed, within the jurisdiction of any Court in British India, an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at the trial, and may, for the purposes of this section, exercise all the powers of a Magistrate of the first class or of a Presidency Magistrate.

(*2*) For the purposes of this section the Recorder of Rangoon shall, within [b]the local limits of the territories for the time being administered by the Chief Commissioner of British Burma,[b] be deemed to be the High Court.

Depositions.

40. (*1*) Whenever, in the course of any such trial, the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this Chapter shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused,

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b-b] *Read* Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p 364.

accused, and that he had an opportunity of cross-examining the witness.

(*2*) A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused and that he had that opportunity shall, unless the contrary be proved, be sufficient evidence that it was so made and that he had that opportunity.

Report by Court to Local Government

41. The Court shall, in the case of every investigation under this Chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence.

Power to investigate causes of explosions on board inland steam-vessels.

42. (*1*) Whenever any explosion occurs on board any inland steam-vessel, the Local Government may, if it thinks fit, direct that an investigation into the cause of the explosion be made by such person or persons as it thinks fit.

(*2*) The person or persons so directed may enter into and upon the steam-vessel, with all necessary workmen and labourers, and remove any portion of the steam-vessel or of the machinery thereof, for the purpose of the investigation, and shall report to the Local Government what in his or their opinion was the cause of the explosion.

(*3*) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.[a]

XLV of 1860.

CHAPTER V.

Suspension and Cancellation of Masters' and Engineers' Certificates.

Power for Local Government to

43. Any certificate granted under this Act to any master, engineer or engine-driver may be suspended or

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

suspend or cancel certificates in certain cases.

or cancelled by the Local Government which granted it or by any other Local Government, in the following cases, that is to say:—

(*a*) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any inland steam-vessel, or loss of life, has been caused by his wrongful act or default, or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct; or

(*b*) if he is proved to have been convicted of any non-bailable offence; or

[*] (*c*) if, in the case of a second-class master or serang, or of an engine-driver, the master or serang, or the engine-driver, is or has become, in the opinion of the Local Government, unfit to act as a second-class master or serang, or as an engine-driver, as the case may be:

Provided that, in any case in which an investigation has been made into a charge against any master, engineer or engine-driver, a certificate shall not be suspended or cancelled under clause (*a*) of this section unless the Local Government is satisfied that the holder of the certificate has been furnished before the commencement of the investigation with the copy of the report or statement required by section 33 or section 34, as the case may be.

Obligation to deliver up cancelled or suspended certificate.

44. Every master, engineer or engine-driver whose certificate is cancelled or suspended under the last foregoing section shall deliver it to such person as the Local Government which cancelled or suspended it from time to time directs.

Report to other Local Government.

45. If the Local Government which cancels or suspends a certificate under section 43 is not the Local

[*] This clause was substituted for the original cl. (*c*) by Act XIII of 1891, s. 2.

Local Government which granted the certificate, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancellation or suspension, to the Local Government which granted the certificate.

Power to revoke cancellation or suspension and to grant new certificate.

46. (*1*) Any Local Government may, at any time, revoke any order of cancellation or suspension which it may have made under section 43, or grant, without examination, to any person whose certificate it has so cancelled, a new certificate.

(*2*) A certificate so granted shall have the same effect as if it had been granted after examination.

CHAPTER VI.

Protection of Inland Steam-vessels from Danger by Fire.

Power for Governor General in Council to declare dangerous goods.

47. The Governor General in Council may, from time to time, by notification in the Gazette of India, declare what shall be deemed to be, for the purposes of this Act, dangerous goods.

Carriage of dangerous goods.

48. (*1*) A person shall not take with him on board an inland steam-vessel, and a person shall not deliver or tender for carriage on an inland steam-vessel, any dangerous goods without giving notice of their nature to the owner or master of the steam-vessel, or, in the case of goods delivered or tendered for carriage, without distinctly marking their nature on the outside of the package containing the goods.

(*2*) The owner or master of an inland steam-vessel may refuse to carry upon an inland steam-vessel any luggage or parcel which he suspects to contain dangerous goods, and may require the luggage or parcel

to

to be opened to ascertain the fact previously to carrying the same; and, in case any such luggage or parcel is received for the purpose of being carried in any inland steam-vessel, the owner or master of the vessel may stop the transit thereof until he is satisfied as to the nature of its contents.

Power to throw overboard dangerous goods.

49. Where any dangerous goods have been sent or brought on board any inland steam-vessel in contravention of the last foregoing section, the owner or master of the steam-vessel may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so thrown the goods overboard, be subject to any liability, civil or criminal, in any Court.

Power for Local Government to make rules for protection of inland steam-vessels from danger by explosion or fire.

50. (*1*) The Local Government may make rules for the protection of inland steam-vessels from danger by explosion or fire.

(*2*) Rules under this section may provide for the following among other matters, that is to say :—

(*a*) the conditions on, and subject to, which dangerous goods may be carried on board inland steam-vessels;

(*b*) the precautions to be taken to prevent explosions or fires on board inland steam-vessels; and

(*c*) the apparatus for the purpose of extinguishing fires which is to be kept on board inland steam-vessels.

(*3*) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VII.

CHAPTER VII.

CARRIAGE OF PASSENGERS IN INLAND STEAM-VESSELS.

Power for Local Government to make rules for the regulation of the carriage of passengers in inland steam-vessels.

51. (*1*) The Local Government may make rules to regulate the carriage of passengers in inland steam-vessels.

(*2*) Rules under this section may provide for the following among other matters, that is to say:—

(*a*) the cases in which passengers may be refused admission to, or may be required to leave, inland steam-vessels;

(*b*) the payment of fares and the exhibition of tickets or receipts (if any) showing the payment of their fares by passengers in inland steam-vessels; and

(*c*) the regulation generally of the conduct of passengers in inland steam-vessels.

(*3*) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with fine which may extend to twenty rupees.

(*4*) The master or any other officer of an inland steam-vessel, and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section, and whose name and address are unknown to the master or other officer.

(*5*) The procedure prescribed by section 59 of the Code of Criminal Procedure[a] in the case of arrest by private persons shall apply to every arrest under this section.

X of 1882.

Power for Local Government to

[b]**51A.** (*1*) The Local Government may also make rules for the protection of passengers in inland steam-vessels,

[a] For Act X of 1882 see the revised edition, as modified up to the 15th December, 1888, published by the Legislative Department.

[b] S. 51A was added by Act III of 1890, s. 12.

make rules for protection of passengers.

vessels, and may by such rules require, among other matters, a sufficient quantity of fresh water to be provided free of charge in such vessels for the use of passengers, and the prices of passenger-tickets to be printed or otherwise denoted on such tickets.

(*2*) Any rule under this section may contain a provision that any owner, master or passenger committing a breach of it shall be punished with fine which may extend to fifty rupees.

CHAPTER VIII.

PENALTIES AND LEGAL PROCEEDINGS.

Penalty for inland steam-vessel making a voyage without certificate of survey.

52. (*1*) If any inland steam-vessel proceeds on a voyage in contravention of section 6, the owner and master of the steam-vessel shall each be liable to a fine which may extend to one thousand rupees.

(*2*) If the master or any other officer on board of an inland steam-vessel which proceeds on a voyage in contravention of section 6 is a licensed pilot, he shall be liable to have his license as a pilot cancelled, or suspended for any period, by the Local Government, as the Local Government sees fit to order.

Penalty for neglect to affix certificate of survey in inland steam-vessel.

53. If the certificate of survey granted under this Act is not kept affixed in an inland steam-vessel in the manner provided by this Act,[a] the owner and master of the steam-vessel shall each be liable to a fine which may extend to one hundred rupees.

Penalty for neglect or refusal to deliver up certificate of survey.

54. If the owner or master of an inland steam-vessel, without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under this Act[b] to do so, he shall be punished with fine which may extend to one hundred rupees.

Penalty for having excessive number

[c]**54A.** If an inland steam-vessel has on board thereof or on or in any part thereof a number of passengers

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[a] See s. 13, *supra*. [b] See s. 16, *supra*.
[c] S. 54A was inserted by Act III of 1890, s. 13.

sengers which is greater than the number of passengers set forth in the certificate of survey as the number which the vessel or the part thereof is, in the judgment of the surveyor, fit to carry, the owner and master shall, for every passenger over and above that number, be each liable to a fine which may extend to ten rupees.

of passengers on board.

55. (*a*) If any person who has been engaged to serve as master, engineer or engine-driver of an inland steam-vessel proceeds on any voyage in that steam-vessel as master, engineer or engine-driver, as the case may be, without being at the time entitled to, and possessed of, the certificate required under this Act, and

Penalty for serving, or engaging a person to serve, as master, engineer or engine-driver without certificate.

(*b*) if any person employs any person as a master, engineer or engine-driver of an inland steam-vessel without ascertaining that he is at the time entitled to, and possessed of, the master's, engineer's or engine-driver's certificates, as the case may be, required under this Act,

he shall be punished with fine which may extend to five hundred rupees.

56. If any master wilfully fails to give notice, as required by section 30, of any wreck, abandonment, damage, casualty or loss, he shall be punished with fine which may extend to five hundred rupees, and, in default of payment [a]with simple imprisonment[a] for a term which may extend to three months.

Penalty for master failing to give notice of wreck or casualty.

57. If any master, engineer or engine-driver whose certificate is cancelled or suspended under this Act, fails to deliver the certificate to such person as the Local Government which cancelled or suspended it directs, he shall be punished with fine which may extend to five hundred rupees.

Penalty for master, engineer or engine-driver failing to deliver up cancelled or suspended certificate.

58. If

[a-a] These words were substituted for the original words by Act XII of 1891.

Penalty for taking dangerous goods on board inland steam-vessel without notice.

58. If any person, in contravention of section 48, takes with him on board any inland steam-vessel any dangerous goods, or delivers or tenders any such goods for the purpose of being carried on any inland steam-vessel, he shall be punished with fine which may extend to two hundred rupees, and the goods shall be forfeited to Her Majesty.

Penalty for misconduct endangering inland steam-vessel or life or limb.

59. If any person employed or engaged in any capacity on board an inland steam-vessel, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness—

(*a*) does any act tending to the immediate wreck, destruction or material damage of the vessel, or tending immediately to endanger the life or limb of any person belonging to, or on board, the vessel, or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any person belonging to, or on board of, the vessel from immediate danger to life or limb,

he shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

Distress of inland steam-vessel.

60. Where the owner or master of an inland steam-vessel is convicted of an offence under this Act or the rules made under this Act committed on board of, or in relation to, that steam-vessel, and sentenced to pay a fine, the Magistrate may, in addition to any other power he may have for the purpose of compelling payment of the fine, direct the amount thereof to be levied by distress and sale of the vessel and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

61. Except

(*Chapter VIII.—Penalties and Legal Proceedings.—Sections 61-63. Chapter IX.—Supplemental.—Section 64.*)

61. Except in the case of offences under rules made under section 51, no Magistrate shall try an offence under this Act, or the rules under it, unless he is a Presidency Magistrate, or a Magistrate whose powers are not less than those of a Magistrate of the first class. Jurisdiction of Magistrates.

62. If any person commits an offence against this Act or the rules made under this Act, he shall be triable for the offence in any place in which he may be found or which the Local Government, from time to time, by notification in the official Gazette, directs in this behalf, or in any other place in which he might be tried under any other law for the time being in force. Place of trial.

63. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under this Act: Saving of prosecutions under other laws.

Provided that a person shall not be punished twice for the same offence.

CHAPTER IX.

SUPPLEMENTAL.

64. The Local Government may, from time to time, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that all or any of the provisions of Chapters II and III of this Act shall not apply in the case of any specified class of steam-vessels, or shall apply to them with such modifications as the Local Government prescribes. Power for Local Government to exempt certain inland steam-vessels from Chapters II and III.

65. The

Power for Local Government to define tidal water.

65. The Local Government may, from time to time, by notification in the official Gazette, define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act.

Fees recoverable as fines.

66. All fees payable under this Act may be recovered as fines under this Act.

Exemption of Government vessels.

67. Nothing in this Act, or in any rule made under this Act, shall apply to any steam-vessel belonging to, or in the service of, Her Majesty or the Government of India.

Certificated masters of inland steam-vessels to be deemed pilots under Ports Act.

68. Every master of an inland steam-vessel who possesses a master's certificate duly granted under this Act and then in force shall, in ports to which section 31 of the Indian Ports Act, 1889,[a] has been extended, be deemed, for the purposes of that section, to be the pilot of the steam-vessel of which he is in charge. X of 1889.

(*2*) Nothing in this section shall be deemed to affect the provisions of Bombay Act I of 1863[b] which require persons in charge of vessels passing through any of the channels or tidal channels at the mouths of the river Indus to pay fees for pilotage.

Procedure for making, publication and confirmation of rules.

69. (*1*) A Local Government making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the Gazette of India, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The Local Government shall receive and consider any objection or suggestion which may be made by

[a] The reference to s. 38 of Act X of 1875 has been altered in accordance with Act X of 1889, s. 2.

[b] Printed, Bombay Code, Ed. 1890, p. 177.

by any person with respect to the draft before the date so specified.

(5) A rule made under this Act shall not take effect until it has been sanctioned by the Governor General in Council and published in the local official Gazette.

(6) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made and sanctioned.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

ACTS REPEALED.

(*See section 3.*)

(*a*) *Act of the Governor General in Council.*

Number and year.	Subject or short title.	Extent of repeal.
XVI of 1871 .	The Burmese Steamer Survey Act .	The whole.

(*b*) *Acts of the Governor of Bombay in Council.*

Number and year.	Subject or short title.	Extent of repeal.
II of 1864 .	To provide for the periodical survey of steam-vessels in the ports, harbours rivers or waters of the Presidency of Bombay.	The whole, except section 15.
IV of 1873 .	To amend Bombay Act II of 1864, providing for the periodical survey of steam-vessels, and to provide for the examination of engineers of steam-vessels.	The whole.

(*c*) *Acts*

THE FIRST SCHEDULE—*continued.*

(*c*) *Acts of the Lieutenant-Governor of Bengal in Council.*

Number and year.	Subject or short title.	Extent of repeal.
V of 1862 . .	To provide for the periodical survey of steam-vessels in the port of Calcutta.	The whole.
I of 1868 . .	The Steam-boat Survey Amendment Act, 1868.	So much as has not been repealed.
III of 1871 .	To increase the fees for the survey of steam-vessels.	The whole.
VII of 1879 .	To provide for the proper management of certain inland steam-vessels.	The whole.

THE SECOND SCHEDULE.

RATES OF FEES.

(*See section 8A.*[a])

	Tons.	Rs.
For steam-vessels of less than	100	25
" " 100 tons and up to	200	40
" " 200 " " "	350	50
" " 350 " " "	700	60
" " 700 " " "	1,000	80
" " 1,000 " " "	1,500	100
" " 1,500 " and upwards . . .	...	120

[a] This reference was substituted for the original reference by Act III of 1890, s. 14.

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